

**DECLARATION AND POWER OF ATTORNEY - PATENT APPLICATION**

As a below named inventor, I hereby declare: that my citizenship, residence and post office address are as stated below. I believe I am the original, first and sole inventor (if only one is named below) or a joint inventor (if plural inventors are named below) of the invention entitled:

**EXERCISE ELEMENT**

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in 37 C.F.R 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

<u>Number</u>	<u>Country</u>	<u>Date</u> <u>(mm/dd/yyyy)</u>	<u>Priority</u> <u>Claimed?</u>	<u>Certified Copy</u> <u>Attached?</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

<u>Application No.</u>	<u>Date Filed</u> <u>(mm/dd/yyyy)</u>
_____	_____

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>U.S. Parent Application or PCT Parent Number</u>	<u>Filing Date (mm/dd/yyyy)</u>	<u>Parent Patent No. (if applicable)</u>
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As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Bobby B. Gillenwater, Reg. No. 31,105; Gregory S. Cooper, Reg. No. 40,965; William R. Coffey, Reg. No. 24,023; Perry Palan, Reg. No. 26,213; Richard D. Conard, Reg. No. 27,321; Mark M. Newman, Reg. No. 31,472; Richard A. Rezek, Reg. No. 30,796; Dilip A. Kulkarni, Reg. No. 27,510; Arland T. Stein, Reg. No. 28,062; Paul B. Hunt, Reg. No. 37,154; Alice O. Martin, Reg. No. 35,601; Grant H. Peters, Reg. No. 35,977, James B. Conte, Reg. No. P54,661, Dennis M. McWilliams, Reg. No. 25,195, William M. Lee, Jr., Reg. No. 26,935, Glenn W. Ohlson, Reg. No. 28,455, Howard B. Rockman, Reg. No. 22,190, Jeffrey R. Gray, Reg. No. 33,391, Timothy J. Engling, Reg. No. 39,970, Gerald S. Geren, Reg. No. 24,528, Peter J. Shakula, Reg. No. 40,808, Thomas J. Donovan, Reg. No. 33,231, Richard B. Lazarus, Reg. No. 48,215, Jeffrey A. Michael, Reg. No. 37,394, Ronald S. Henderson, Reg. No. 43,669, Shawn D. Bauer, Reg. No. 41,603, Christopher E. Haigh, Reg. 46,377, and Brian J. Gill, Reg. No. 46,727.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Docket No. 36538-95593

Date 03-30-04 Signature Dennis M. Smith

Inventor Dennis Smith Citizenship United States of America

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